

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.13093 OF 2023

**SAMBHAJI GANGARAM BHAPKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

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Mr. P V. Barde, Advocate for Petitioner
Mr. A. V. Deshmukh, AGP for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.10.2023.

PER COURT :-

1. The Petitioner has succeeded before the Industrial Court. The judgment of the Industrial Court dated 02.12.2021 in Complaint (ULP) No.99 of 2015, has attained finality, since it has not been challenged before the High Court.

2. The proposal of the Petitioner is returned on account of deficiencies and certain remarks of the authorities which are against the judgment of the Industrial Court. It is prayed that if the proposal is to be resent by Respondent No.3, the same should

be in the light of the judgment of the Industrial Tribunal concluding that the Petitioner shall not work with the EGS.

3. We have heard the learned Advocates for the respective sides. If the judgment of the Industrial Court has not been set aside, the same has to be followed.

4. In view of the above, **this Petition is disposed off** with a direction to Respondent No.3 to forward the proposal of the Petitioner along with all other similarly situated and comparable labourers. The said proposal shall be in the light of the observations of the Industrial Court vide judgment dated 02.12.2021.

5. Let the proposal be forwarded within sixty [60] days from today. A decision on the said proposal shall be arrived at by the Competent Authority within 120 days.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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